

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
Revision of the Commission's Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	
Calling Systems)	
)	
Association of Public-Safety Communications)	
Officials-International, Inc. Request for)	
Declaratory Ruling)	
)	
911 Requirements for IP-Enabled Service)	WC Docket No. 05-196
Providers)	

ORDER

Adopted: September 17, 2007

Released: September 17, 2007

By the Chief, Public Safety and Homeland Security Bureau:

1. On June 1, 2007, the Commission released a Notice of Proposed Rulemaking (*Notice*) seeking comment both on whether wireless carriers should be required to meet the Commission's Enhanced 911 (E911) location accuracy requirements at the PSAP service area level (Section III.A), as well as a variety of related questions about how to improve 911 location accuracy and reliability (Section III.B).¹ The *Notice* established a bifurcated comment cycle. Comments and replies on the issues raised in Section III.A of the *Notice* were due on July 5 and July 11, 2007, respectively.² Comments on the issues raised in Section III.B were due on August 20, and reply comments are due September 18, 2007.³ On September 11, 2007, following the comment and reply comment cycle related to Section III.A. of the *Notice*, the Commission adopted a Report and Order requiring that wireless licensees subject to Section 20.18(h) of the Commission's rules, which specifies the standards for wireless Enhanced 911 Phase II location accuracy and reliability, to satisfy these standards at a geographical level defined by the coverage area of a public safety answering point (PSAP).⁴

¹ Wireless E911 Location Accuracy Requirements; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; 911 Requirements for IP-Enabled Service Providers, PS Docket No. 07-114, CC Docket No. 94-102, WC Docket No. 05-196, *Notice of Proposed Rulemaking*, 22 FCC Rcd 10609 (2007) (*Notice*).

² See Comment and Reply Comment Dates Established for Notice of Proposed Rulemaking in the Matter of Wireless E911 Location Accuracy Requirements and E911 Requirements for IP-Enabled Service Providers, PS Docket No. 07-114, WC Docket No. 05-196, *Public Notice*, 22 FCC Rcd 11171 (Public Safety & Homeland Security Bur. 2007) (*E911 Location Accuracy Public Notice*).

³ See *E911 Location Accuracy Public Notice*, 22 FCC Rcd at 11171.

⁴ See *FCC Clarifies Geographic Area Over Which Wireless Carriers Must Meet Enhanced 911 Location Accuracy Requirements* (Sept. 11, 2007), available at http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-276577A1.doc; see also 47 C.F.R. § 20.18(h).

2. Concern has been expressed that filing reply comments in response to Section III.B of the *Notice* on or before the September 18 deadline would violate the sunshine period prohibition in the Commission's rules because the Report and Order referenced above has yet to be released.⁵ Therefore, out of an abundance of caution, and to prevent any confusion, we hereby waive the sunshine period prohibition, to the extent necessary, to allow parties to file reply comments and make *ex parte* presentations relating to questions raised in Section III.B.

3. Accordingly, IT IS ORDERED that, pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, Section 1.1203 of the Commission's rules, 47 C.F.R. § 1.1203, IS WAIVED to the extent described above.

4. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Derek K. Poarch
Chief
Public Safety and Homeland Security Bureau

⁵ See Request for Extension of Reply Comment Deadline of CTIA-The Wireless Association, PS Docket No. 07-114, CC Docket No. 94-102, WC Docket No. 05-196, at 2 & n.8 (filed Sept. 13, 2007); *see also* 47 C.F.R. § 1.1203(b).